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THESIS

**THE DOMESTIC SECURITY COMMAND—THE
EVOLUTION OF U.S. NORTHERN COMMAND**

by

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EVOLUTION OF U.S. NORTHERN COMMAND**

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ABSTRACT

The United States lacks the capability to effectively achieve whole nation situational awareness and accomplish intergovernmental, interagency and multidisciplinary planning and response in the homeland. United States Northern Command (USNORTHCOM) and the Department of Homeland Security (DHS) were established in the post-911 environment to address this issue but should now be reevaluated to ascertain whether they truly provide the appropriate framework to facilitate the nation's needs within our Federalist framework. This thesis discovers that USNORTHCOM can provide the military component and form the basis of this unique capstone organization but should evolve significantly to become a coalition of those organizations that, together, truly facilitate a whole nation approach to defense and security. USNORTHCOM should evolve away from a traditional military-centric Combatant Command towards an integrated Homeland Defense and Security Command (DSC) that effectively melds Department of Defense (DoD) elements, selected Department of Homeland Security components and National Guard organizations while also providing for connectivity to states and their governors. The resultant DoD-DHS-NGB coalition organization would be better able to secure, defend and support the U.S. homeland.

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LIST OF ACRONYMS AND ABBREVIATIONS

BIA	Congressional Delegations, Bureau of Indian Affairs
CBRNE	Chemical, Biological, Radiological, Nuclear, and High Explosive
CERFPs	CBRNE Enhanced Response Force Package
CSIS	Center for Strategic and International Studies
DCMA	Deputy Commander for Civil-Military Activities
DCMO	Deputy Commander for Military Operations
DCRF	Defense CBRNE Response Force
DHS	Department of Homeland Security
DoD	Department of Defense
DSC	Defense and Security Command
DSCA	Defense Support to Civil Authorities
EMAC	Emergency Management Assistance Compact
FEMA	Federal Emergency Management Agency
HRFs	Homeland Response Forces
HSPD-5	Homeland Security Presidential Directive 5
HSPD-8	Homeland Security Presidential Directive 8
IAEM	International Association of Emergency Managers
ICS	Incident Command System
ICT	Integrated Concept Team
JDOMS	Joint Director of Military Support
JRSOI	Joint Reception Staging, Onward Movement and Integration
JTFs	Joint Task Forces
NEMA	National Emergency Managers Association
NGA	National Governors Association
NGB	National Guard Bureau
NIMS	National Incident Command System
NORAD	North American Aerospace Defense Command
NRP	National Response Plan
NSHS	National Strategy for Homeland Security
OLEs	Office of Law Enforcement and Security
OSD HD/ASA	Office of the Secretary of Defense, Homeland Defense and America's Security Affairs and Homeland Defense

PDD	Presidential Decision Directive
POLAD	Political Advisor
QDR	Quadrennial Defense Review
SAC	Situational Awareness Center
UCP	Unified Command Plan
USAID	United States Agency for International Development
USNORTHCOM	United States Northern Command
USSOUTHCOM	U.S. Southern Command
WMD-CSTs	Weapons of Mass Destruction Civil Support Teams

I. INTRODUCTION

A. FUTURE HISTORY

The following “future history” is a fictional narrative that demonstrates what the homeland security and defense landscape might be like if the conclusions and recommendations contained in this thesis are fully implemented.

The crisp Colorado sunshine welcomed Mr. Smith to Building 2, the home of the Domestic Security Command (DSC). He sat in the parking lot reflecting upon the path that brought him to this...the first day of his tenure as the DSC Administrator.

He remembered his first assignment in Colorado, nearly 30 years ago, just up the road at the military base. That assignment introduced him to the blue skies surrounding Cheyenne Mountain, the evergreen forest of the Air Force Academy, the scrubby Pinon pines of Fort Carson. “Pete Field” meant “outer space” back then, as the home of the Air Force Space Command. Now Peterson Air Force Base means domestic space—as the home of the organization charged with monitoring the nation’s security and planning for our homeland’s defense, security and resiliency. Mr. Smith remembered the days when defense, security and response were three distinct missions—accomplished haphazardly by stove-piped organizations—rather than the truly inseparable and integrated continuum that exists today.

The young lieutenant that had purely federal and military perspectives had matured along with the system. That long-gone lieutenant could not fathom taking on the role of camp mayor or provincial reconstruction team member...yet as a major and lieutenant colonel, Mr. Smith often worked alongside interagency partners in Iraq and Afghanistan and through this, his perspective grew to appreciate the power of teams, diverse perspectives and multi-echelon engagement. He remembered the debate in 2009...should the military focus on conventional warfighting or should General Petraeus’ counter-insurgency doctrine dictate strategic direction? In the end, it was apparent that the military would never again “go it alone” and that its organization and training needed to reflect that reality. Over the years calls for “whole of government” concepts became

“whole of society” approaches and, finally, “whole nation” solutions that include all government levels, all agencies and the private sector in solving our nation’s defense and security challenges.

The overseas combatant commands, led by U.S. Southern Command and U.S. Africa Command, reorganized to give more emphasis on civilian “soft power” and military-civilian “smart power” methods. The new constructs set the conditions for the State Department to focus on pro-active diplomacy rather than reactive military solutions, while retaining that “military lead” option in the worst of cases.

The “homeland command,” U.S. Northern Command, was a bit reluctant to embrace that change. It was the newest Combatant Command and, in 2009, was just seven years old. The new administration made good on Mr. Obama’s inaugural commitment to review government structures and support those that worked, get rid of those that do not. After a zero-based review of all the combatant commands, U.S. Northern Command was deemed inappropriate in its present form. A “combatant command” really was not what the nation needed...its rigidly traditional adherence to Department of Defense (DoD) hierarchical structures did not facilitate the interagency, intergovernmental, multinational and private sector collaboration that the complex U.S. homeland environment requires.

The DSC grew from the merger of U.S. Northern Command, elements of the Department of Homeland Security and parts of the National Guard Bureau in the summer of 2012. The essential partnership between DoD, Department of Homeland Security (DHS) and National Guard Bureau (NGB) was finally institutionalized into a body that could truly accomplish coalition planning and response on behalf of both the governors and the President. Planning elements from all three were the first to merge and the resultant plans produced had three departmental seals on the front cover—the first truly “national” vice “federal” plans to be produced.

The first integrated response happened during that next summer...the tumultuous 2013-hurricane season, coupled with the nearly thwarted attack on the Houston ship channel, proved an ample test for the new organization. At first, it was tough for the

former military command to embrace the primarily supporting role....a force provider and logistics/transportation provider to the governors and their indigenous National Guard-led Interagency Task Forces. At the time, Mr. Smith sympathized with the newly-unemployed active duty generals and colonels that found themselves without a role in the response; he was recently retired from the military himself and embarking on his new career as a member of the DHS regional staff—the successor to FEMA’s regional staffs.

The summer of 2013 was an exercise in collaboration and restraint as the DSC coordinated proactive support to governors of Texas, Louisiana and Alabama without insisting DoD provide unnecessary command and control overhead. Successful DSC-brokered actions included providing the Texas governor access to active duty aviation assets to make up for the Texas Guard’s shortfall (caused by deployment to Afghanistan) and the assignment of Army Reserve Military Police Companies and Chemical units to the Texas Joint Interagency Task Force. This was the first time Active Duty and Title 10 reserve forces were quickly and effectively employed to directly support a state-led task force.

The fall 2013 season was filled with GAO reports and Presidential commissions, as everyone evaluated the efficacy of the new DSC. Governors retained control of their response operations and were pleased with the proactive and appropriately scoped augmentation provided by Title 10 military and other federal resources. The public perception that the elected officials “had things under control” was powerful. The “federalization” of disaster response seemed to have stopped—as citizens looked to their local and state officials for support rather than crying “where’s FEMA?” FEMA itself had re-asserted itself as the catastrophic responder—the responder of last resort rather than the first responder role that public outcry had turned it into after Hurricane Katrina. Together with U.S. Army North and JTF-Civil Support, FEMA could now concentrate on planning for the truly catastrophic “bad day” in America.

Mr. Smith—a student of the constitution—mused about the 10th amendment and the role of federalism in defense, security and response. The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people" and how that darn phrase seems so problematic

before this coalition organization was built. The DSC provided the venue for governors to be involved in national planning and integrated response operations. The Council of Governors regularly met at the DSC headquarters, providing their unique perspective to the nation's interagency, intergovernmental (and sometimes international) challenges.

Mr. Smith presided over his first staff meeting that morning and marveled at the group assembled around the briefing table. DoD and DHS deputies on his left, National Guard Deputy on his right, Council of Governors Advisor facing him at the end of the table. Other agencies represented as well: representatives of the Department of Justice, Director of National Intelligence, Department of Health and Human Services...the list of partners was long and inclusive. He had at his disposal a truly interagency, intergovernmental team to concentrate on national issues. This group could accomplish 98 percent of all the planning and response the country was likely to require but could also flex to a "military in the lead" construct in the unlikely event that a direct conventional attack would occur.

The staff meeting began with an update from the integrated Situational Awareness Center (SAC). The SAC provided DoD, DHS, and NGB with a one-stop shop to provide the current operational picture to local responders, governors, and the President. This transparency had been hard won but the resultant immediate and multi-echeloned access to information had proven its worth each day the DSC existed. The meeting continued with updates from the Incident Command System (ICS) inspired staff principals in operations, planning, logistics and finance/administration. At the end of the meeting, Mr. Smith thanked his staff for being part of the team charged with providing a safe and resilient country in which the next generation could thrive.

A representative of that next generation, his own grandson, had been accepted to the National Security Officer Academy and could look forward to a very different educational experience than he had. Whereas Mr. Smith had been brought up in a traditional military-centric educational environment, his grandson's freshman year would include such unique concepts as the National Response Framework and the National Homeland Security Plan and his table-top exercises would not be fighting a Soviet-inspired enemy in far off lands, but rather a more nebulous enemy in the homeland. His

graduation photo would show many uniforms: Army, Air Force, firefighters, police officers, dark blue-suited agents, tweed-jacketed academics. His education would stress whole government approaches to both domestic and international crisis and contingencies.

Mr. Smith thought about the operations on-going in the nation today. In addition to the normal situational awareness activities, vessels of interest tracking, Noble Eagle flights and exercise support, governors had three National Guard JTFs active (one with a sizeable Title 10 contingent chopped to it) and the Midwest flood operations were just winding down. His regional desk officers had done a great job identifying capabilities and challenges that had helped the DSC be an efficient force and logistics coordinator to assist the states access federal resources in their time of need.

Next on the docket...integrated interagency planning for the upcoming election season and subsequent conventions and inauguration. The DSC intelligence and information center had much to consider, but the diverse threat picture had become easier to assess since Homeland Security and Homeland Defense intelligence analysis capabilities had been combined at the DSC. This coalition, coupled with robust interaction with Joint Terrorism Task Forces and state fusion centers ensured that the DSC could plan for and respond to potential threats.

Building the DSC required immense paradigm-shifting and stove-pipe shattering. In the end, DCS proved to be a pragmatic, efficient and affordable solution. Integrated DHS, DoD and state situational awareness, planning and response efforts finally had a nexus at which all stakeholders could contribute to true intergovernmental and interagency synergy.

B. PROBLEM STATEMENT

The United States lacks the capability to effectively achieve whole nation situational awareness and accomplish intergovernmental, interagency and multidisciplinary planning and response in the homeland. Our federalist form of government holds state governors responsible for their citizen's safety and security while also mandating federal defense and security responsibilities. As a result, the defense and

security of the United States are shared responsibilities between state and federal entities and their defense and security capabilities are distributed and decentralized throughout the nation.

Prior to 2002, there was no one organization responsible for the defense and security of this nation. Myriad federal civilian agencies accomplished tasks in their lanes with very little connective tissue. The Department of Defense (DoD) had no real comprehensive strategy as to how the DoD entities would contribute to the security and defense of the homeland. There were no less than four major DoD commands that played a part in civil support and no single military command designated as responsible for defending the nation.

In 2002, the United States federal government built many new organizations to deal with the terrorist threat brought home by the 9/11 attacks. The first, the Department of Homeland Security (DHS), was meant to consolidate 22 disparate federal organizations into one comprehensive security organization specifically charged with preventing another terrorist attack on the homeland. The second, United States Northern Command (USNORTHCOM), was formed to provide a regional geographic combatant command that would include the homeland and consolidate the Department of Defense organizations involved in homeland defense, homeland security, and civil support. Concurrent with these federal efforts, America's governors hired their own homeland security advisors and sought to develop methods to ensure the security of their constituents. Many turned to their National Guard to apply their military training to the state's security and defense requirements.

Our federalist form of government dictates that governors should have a pre-eminent voice in domestic matters. Both DHS and USNORTHCOM would need to consider state sovereignty issues as they developed their missions, staffs and processes. DHS provided a center of gravity to integrate federal civilian efforts to address the terrorist threat and could coordinate with states through its component Federal Emergency Management Agency (FEMA), as FEMA's regional staffs had long-standing ties to state emergency managers. USNORTHCOM gave the Department of Defense a

lead agent for determining how DoD would contribute to the defense and security of the nation while also streamlining Defense Support to Civil Authorities (DSCA), but it lacked any obvious way to coordinate with state entities.

USNORTHCOM's framers understood that to be successful this new command would need to be innovative and flexible to address the unique interagency and intergovernmental challenges facing a homeland command. USNORTHCOM's mission would necessitate strong ties to the states, their National Guards, federal interagency partners and other organizations concerned with homeland defense and security—most notably with the new DHS. The original USNORTHCOM development study teams realized that strong interagency and intergovernmental ideas would best be facilitated by integrated staffing and innovative structures that include these important partners. Initial staffing guidelines called for approximately 500 personnel with fully 50 percent of that staff drawn from the National Guard to provide required state and local expertise. Recommendations also included innovative interagency staffing solutions that would include non-DoD leadership positions. USNORTHCOM's mission success would require strong horizontal (interagency) and vertical (federal to state) collaboration.

By 2009, USNORTHCOM had grown into a decidedly traditional COCOM headquarters, incorporating few of the innovative ideas the original framers recommended. Of the 1300 people on staff, very few are drawn from interagency and intergovernmental sources. USNORTHCOM's Interagency Coordination Directorate is arguably the only innovative staffing idea that survived this drive towards traditional COCOM structure.

Current USNORTHCOM structure does not effectively facilitate distributed, decentralized vertical and horizontal collaboration necessary to meet the nation's defense, security and civil support requirements. USNORTHCOM has not evolved into the innovative and integrated command that its framers rightly asserted that it should be. The homeland combatant command still lacks structural and staffing solutions that would truly facilitate collaborative planning and response between federal civilian agencies, DoD entities, states and their National Guards.

C. RESEARCH QUESTION

Should U.S. Northern Command evolve to become an organization that truly facilitates distributed, decentralized vertical and horizontal collaboration amongst all appropriate organizations? What elements must this evolved organization include if it is to be successful in providing comprehensive situational awareness, integrated planning and collaborative response?

D. ARGUMENT

This paper hypothesizes that a traditional combatant command structure is ill-suited to operations within the United States. The conclusions will assert that while the country DOES need a capstone organization to provide unity of effort among all disparate partners, that organization should be fundamentally tailored to recognize and reflect the unique defense, security, and response imperatives inherent in a federalist society and must be built specifically to facilitate collaboration between local, state, regional and federal entities.

This thesis discovers that USNORTHCOM can provide the military component and form the basis of this unique capstone organization but should evolve significantly to become a coalition of those organizations that, together, truly facilitate a whole nation approach to defense and security. USNORTHCOM should evolve away from a traditional military-centric Combatant Command towards an integrated Homeland Defense and Security Command (DSC) that effectively melds Department of Defense elements, selected Department of Homeland Security components and National Guard organizations while also providing for connectivity to states and their governors. The resultant DoD-DHS-NGB coalition organization would be better able to secure, defend and support the U.S. homeland.

E. AUDIENCE, SIGNIFICANCE OF THE RESEARCH

This research will be of interest to federal and state entities. Department of Defense components, such as the Office of the Secretary of Defense for Homeland Defense and America's Security Affairs (OSD HD/ASA), USNORTHCOM and its

components will find this research appropriate for consideration when assessing the efficacy of DoD organizations involved in homeland defense and civil support. Governors, their state Homeland Security advisors and emergency managers and State Adjutants General will have an interest in the arguments, conclusions and recommendations contained herein.

Finally, legislators may find the recommendation for a collaborative, integrated organization attractive as it supports constituent security needs while providing an opportunity for simplifying planning and response mechanisms.

USNORTHCOM and its components represent a significant DoD expenditure. This paper will support a dialog to determine the efficiency of that expenditure to ensure USNORTHCOM, and its evolved successor, represents a high value proposition for the American public.

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II. LITERATURE REVIEW

This review will focus on providing a brief history of the military's place within our domestic arena and the military's involvement in domestic operations both pre- and post-911. The review will describe USNORTHCOM's stand-up and its necessary relationship with the interagency and intergovernmental partners with which it must defend and protect our nation.

A. THE FEDERALIST FRAMEWORK

The research question must be examined against the background of our federalist form of government, in which both state and federal levels share power and responsibility. Our foundational documents sought to codify that shared responsibility; the constitution's tenth amendment asserts that all power not expressly given to the national government is retained by the state and its people (U.S. Const., amend. X). This basic tenant sets us up for an inherent tension as both the federal government and our governors strive to ensure security and defend our nation. Constitutional framers were still stinging from British military abuses and were careful to address this issue in our countries' foundational document—ensuring that due process be exercised but falling short of specifically prohibiting military involvement in civil activities. The specific prohibition against the military engaging in domestic law enforcement came about in the post-civil war reconstruction era, as federal troops were seen to interfere with civil government and politics.

That specific prohibition—the Posse Comitatus Act—reads “Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned....” (Posse Comitatus Act). In today's culture, this is understood to prohibit Title 10 U.S. military personnel from conducting domestic law enforcement. It is also meant to preclude domestic elected officials from using the military to achieve their own personal aims. However interpreted, the term “Posse Comitatus” has come to reflect American's

historical mistrust of the federal military borne of British troops forcing colonists to provide food and lodging and being used to quell the insurgent American revolutionaries. The law is now interpreted to applying only to Title 10 troops and does not prohibit a governor from employing his “state militia” or National Guard, in essential law enforcement activities. Posse Comitatus discussions are often accompanied by Insurrection Act discussions; as the Insurrection Act details the conditions under which the federal government may be allowed to use federal forces domestically in limited circumstances and “only for the purpose of putting down rebellions or enforcing constitutional rights if state authorities fail to do so” (Posse Comitatus Act).

The United States’ founding documents ensure that both federal and state governments have roles to play in the homeland arena. The Constitution provides that states are primarily responsible for the welfare of their residents. Specific legislative prohibitions, such as Posse Comitatus, the Insurrection Act, the Economy Act (Economy Act, 2001) and the Stafford Act (Stafford Act, 2007), place strict limits on the federal military’s domestic operations.

B. HOMELAND DEFENSE AND SECURITY, THE MILITARY’S ROLE

Historically, the governor’s militias (the precursor to today’s National Guard) ensured each state’s security and sovereignty and could be called into the collective nations’ service when threat dictated. The military’s initial mandate was all about protecting our homeland and responding to domestic threats. Over the years, a standing military formed that allowed the federal government to address external threats far from our shores, while leaving state militias to execute their governor’s prerogatives. In modern times, there have been only a few instances where the President has invoked the Insurrection Act and employed the federal military in a domestic capacity. In 1957, President Eisenhower deployed a federalized National Guard to force compliance with federal laws regarding public school integration; President Johnson used federalized National Guardsmen to put down the race riots in the 1960s; and President Bush called

out the National Guard to assist with quelling the riots that ensued after the 1992 Rodney King verdict. The infrequency of these incidents underscores that our citizens and our government are extremely cautious of using military force domestically.

The military's externally focused paradigm continued, for the most part, until very recently in our history. One notable exception occurred during the Cold War. Technological advancements enabled potential Soviet threats to be delivered to the homeland, leading to the first real "homeland security" organization, the North American Aerospace Defense Command (NORAD) in cooperation with Canadian allies. Still, most "civil defense" activities during this time were community based, locally controlled, and existed mainly outside the Department of Defense. Even in a time of heightened external threat to the homeland, the U.S. was reticent to employ the military in an overt fashion.

In the 40 years prior to 9/11, the structures we had developed to secure our defense were born of the Cold War, which focused this country to confront a monolithic and centralized enemy abroad and in our skies. We emphasized "looking out" and relied on DoD's strong regional combatant commands—and therefore military planning and response—to address security threats far from our shores. As the Soviet Union collapsed and the Berlin wall came down, experts sought to forecast what threats to national security we would face and how we could properly defend against them.

In the 1980s and 1990s, terrorist acts were perpetrated around the globe against both foreign and American assets. The first prophetic World Trade Center attack in 1993 caused some to posit that a major attack on American soil was imminent (U.S. Commission on National Security/21st Century). President Bill Clinton understood the need to address the growing terrorist threat both at home and abroad. His June 1995 Presidential Decision Directive (PDD) 39 detailed U.S. policy to "defeat and respond vigorously to all terrorist attacks on our territory and against our citizens, or facilities, whether they occur domestically, in international waters or airspace or on foreign territory" (PDD 39) and assigned federal agency responsibilities for reducing vulnerability and mounting a vigorous response. It charged the military with maintaining domestic counterterrorism capabilities and affirmed the interagency nature of homeland defense and security.

In 1996, the Nunn-Lugar-Domenici Domestic Preparedness Program Act crossed the civil-military divide by tasking DoD to train local and state officials to respond the WMD incidents and codified DoD's requirement to maintain the ability to contain nuclear material (U.S. Department of Justice). In 1997, PDD 56 further codified the interagency perspective as relates to overseas complex contingencies (PDD 56).

In 1997, Nunn-Lugar-Domenici investigated the domestic weapons of mass destruction threat and developed strategies for cities to respond to WMD attacks. While the Department of Defense led the program, it was also inherently interagency, with roles for the Federal Bureau of Investigation, the Federal Emergency Management Agency and others. Federal agencies received funds designated for developing capabilities in states, cities and first responders. The federally-funded domestic preparedness program built upon strong state emergency preparedness programs and leveraged existing local, state and regional mutual aid programs to ensure funds were exercised in ways that would benefit organizations that would be first to respond to a WMD incident.

In 1998, the Secretary of Defense chartered the U.S. Commission on National Security/21st Century—that came to be known as the Hart-Rudman Commission—specifically tasked to “analyze the emerging international security environment; to develop a U.S. National Security Strategy....and to assess various security institutions...” (U.S. Commission on National Security/21st Century). Its first report, issued in September 1999, accurately predicted that the U.S. would be vulnerable to an attack on the homeland and that new national and military capabilities would have to be developed to address emerging threats. The commission's second report, issued in April 2000, proposed a new national security strategy and the third report, issued just eight months before the 9/11 attacks prophetically warned that a direct attack on American soil was likely.

The commission foreshadowed the creation of DHS when they recommended the creation of an “independent National Homeland Security Agency with responsibility for planning, coordinating and integrating various government activities involved in homeland security (U.S. Commission on National Security/21st Century).” They recommended creating a DoD Assistant Secretary for Homeland Security to oversee DoD

activities (foreshadowing the advent of the Office of the Assistant Secretary of Defense for Homeland Defense) but did NOT recommend a U.S.-based combatant command. Notably, they recognized that homeland security is National Guard's constitutional mission and recommended that the Guard be re-oriented to focus on this as their primary mission (U.S. Commission on National Security/21st Century).

In 1999, the growing realization that effective WMD response must include integrated civil-military and state-federal structures led DoD's Joint Forces Command to stand up Joint Task Force Civil Support. Its mission was to integrate DoD and FEMA planning and response efforts during disasters and emergencies. Concurrently, DoD worked with the Army and Air National Guard to field National Guard Weapons of Mass Destruction Civil Support Teams (WMD-CSTs) to provide specific chemical, biological, radiological, nuclear and high-yield explosives expertise to state and federal agencies. This collaborative state-federal, DoD-National Guard effort eventually grew to include WMD-CSTs in all 50 states.

Integrated homeland security—and the military's rightful role in domestic affairs—continued to merit study in early 2001. The Hart-Rudman commission reviewed the nation's domestic security structures and found them “very poorly organized to design and implement any comprehensive strategy to protect the homeland (U.S. Commission on National Security/21st Century).” Ultimately, the commission suggested the country focus more strongly on domestic security, establish a comprehensive multi-agency National Homeland Security Agency (again foreshadowing the soon-to-be-established Department of Homeland Security) and strengthen the National Guard's role in homeland security.

C. EVOLUTION BROUGHT ABOUT BY THE 911 ATTACKS

That fateful September attack caused us to heed warnings and recommendations and think anew; somehow our government had failed to protect us from the faceless, nationless enemy that stole our security on September 11, 2001. We faced a decentralized and radically different enemy than that of the easily categorized Soviet threat. Our enemy

was not a nation-state, could not be contained within a geo-political boundary. Our enemy was an ideologically inspired and relatively far-flung decentralized network. Our Cold War inspired structures would have to adapt to meet this new threat.

The post-911 world dictated two imperatives—attack the enemy far from our shores and protect the homeland—and both required collaborative National strategies. Taking the fight to the enemy was something the U.S. was postured to do; traditional war-fighting combatant commands and a robust Pentagon structure meant the country could swiftly and decisively undertake military operations overseas.

The second imperative, protecting the homeland, proved a more difficult task. Recommendations to build a national homeland security organization had not yet been acted upon—there was no single organization responsible for the country’s security and there was no formalized way to harness the decentralized organizations resident at all levels of government. There were different agencies protecting and policing the borders, patrolling the waters, managing our transportation and infrastructure and preparing to respond to disasters. The Department of Defense has always considered protecting the homeland as its highest priority, but historically that meant engaging enemies overseas, not in our governor’s back yards. The domestic role of federal military forces was much more problematic.

The military departments reacted to the 9-11 attacks; the Army historically led efforts in Military Support to Civil Authorities (MSCA) and oversaw such support through its Army Director of Military Support. The Air Force had its own homeland defense missions, primarily executed through the North American Aerospace Defense (NORAD) and built a “Homeland Security Directorate” under the Deputy Chief of Staff for Air and Space Organization. The Army developed homeland defense and security concepts through their Training and Doctrine Command (TRADOC)’s Homeland Security Directorate and stood up a Security Integrated Concept Team (ICT) charged with providing overall direction. The Marine Corps also concentrated on doctrine development through its Warfighting Laboratory Homeland Security section. While a number of DoD Unified commands had responsibilities for defense and security, there was no single headquarters designed to address domestic issues. The lack of a domestic

unified command was addressed in April of 2002 when DoD's Unified Command Plan was revised, laying the groundwork for the new U.S. Northern Command, which would be charged with defending the homeland and assisting civil authorities.

The 9/11 agency-specific response was admirable, but it was not until July of 2002 that a national strategy for homeland security was drafted to provide some parameters for military involvement in domestic security. The National Strategy for Homeland Security (Office of Homeland Security, 2002) was prompted by terrorist attacks but also addressed emergency preparedness and response for other disasters. The strategy echoed previous calls for a system to enable integration and collaboration on a national scale. The strategy called for consolidated federal plans and a framework for federal, state and local governments to collaborate in incident management. The resultant National Response Plan detailed civil agency and military roles against a number of likely emergency response scenarios.

Congress established DHS through the Homeland Security Act of 2002 (Homeland Security Act of 2002), which charged the new department with preventing terrorist attacks within the United States, reducing the vulnerability of the United States to terrorism, minimizing the damage from attacks and assist in the recovery after a terrorist attack. DHS responsibilities would include information analysis and infrastructure protection; chemical, biological, radiological, and nuclear countermeasures, border and transportation security, emergency preparedness and response; and coordination with other executive agencies, with state and local government personnel, agencies, and authorities, with the private sector.

The first DHS organization attempt tried to forge nearly impossible alliances while suffering from turf battles, unclear powers and contradictory laws and presidential directives. From the start, overlap between DoD and DOJ equities muddled the goals and missions for the new organization. Critics lamented that the organization was given the responsibility for securing our homeland without having the requisite powers to do so—the initial structure did not include an intelligence capability and did not effectively address how the new DHS would interface with the military and with existing federal law enforcement agencies (Walker, 2002).

The new organization would have primary responsibility for “Homeland Security.” The President felt that America needed a unified structure to fuse the homeland security related information, operations and authorities that had previously been dispersed throughout 100 government organizations. This effort was the most sweeping change to government structure since the Department of Defense was created in 1947. Merging 22 disparate organizations, their missions, cultures, and payroll systems was a daunting task that posed a huge challenge to our change-hating Washington establishment. DHS’s goal was to provide one department whose primary mission was to protect the homeland, borders, ports and critical infrastructure, synthesize homeland security intelligence, coordinate communications with state and local governments, as well with the enormity of the private sector protect against bioterrorism/weapons of mass destruction and manage federal emergency response.

While DHS sought to bring order and structure to disparate civilian organizations, DoD worked to realize the Homeland Combatant Command, as detailed in the April 2002 Unified Command Plan. USNORTHCOM’s mission stated that it will conduct operations to deter, prevent, preempt, and defeat threats and aggression aimed at the United States of America and its territories, within the assigned area of responsibility. When directed by the President or Secretary of Defense, it will also provide military assistance to civil authorities, including consequence management operations, in order to protect and defend the United States (Eberhart). This new command would consolidate Title 10 military functions previously spread across at least four different combatant commands and would provide the focal point for the military defense of our homeland.

In 2003, the President published his Homeland Security Presidential Directive 5 (U.S. Department of Homeland Security, 2003) in which the Department of Homeland Security (DHS) Secretary was named the Principal federal official designated to lead domestic incident management. HSPD 5 made clear that DHS—and its civilian leadership—would lead interagency efforts, to include military support, within the National Response Plan framework. Just a few months later, Homeland Security Presidential Directive 8 (HSPD-8) was published to describe how federal departments will plan and prepare for an interagency response to domestic events. HSPD-8 also gave

more detailed guidance to DoD to ensure the unique capabilities contained within the federal military forces are used effectively in the domestic environment (U.S. Department of Homeland Security, 2011).

The HSPD-5 directed National Response Plan (NRP) was published in 2004. Its integrated approach sought to improve collaboration at all levels; federal, state and local. In addition to solidifying federal roles, the NRP asserted that states and their governors play a pivotal role, noting that governors are responsible for their constituents' safety. The NRP emphasized the governor's role as Commander in Chief of his state's military forces (i.e., the National Guard). But, the NRP also stated that there will be "incidents of national significance" that may require DoD provide a sizable force to support integrated response. The NRP recognizes that a response in which both military and civilian entities are responding concurrently is fraught with collaboration challenges. The military is built on a hierarchical "command" culture, while other federal and state agencies, necessarily, have developed a less linear, more collaborative cultures.

In 2004, The Chairman of the Joint Chiefs of Staff published a new National Military Strategy (NMS) to provide guidance to federal military forces applicable to the post-911 environment. The 2004 NMS detailed the necessity for DoD to support civil authorities when civilian responders have been overwhelmed and asserted that military responses require a "streamlined chain of command that integrates the unique capabilities of active and reserve military components and civilian responders" but falls short of explaining how that that streamlined chain of command would be developed and where that command would exist (National Military Strategy in 2004).

Shortly after the 2004 NMS, the 2005 National Defense Strategy detailed DoD objectives to include the protection of the U.S. homeland. In addition to offensive (mostly overseas) actions, the strategy recognizes the President's ability to use DoD's unique (and quickly deployable) capabilities to support civil authorities—again noting that this support would occur primarily when civilian responders have been overwhelmed (National Defense Strategy in 2005).

The 2004 NMS and 2005 NDS were soon followed by the Strategy for Homeland Defense and Civil Support. This June 2005 document sought to provide more definition to DoD's civil support mission. The strategy directed DoD to plan for DoD support to civil authorities within a larger national interagency/intergovernmental response. The "total force approach" detailed in the strategy contained the laudable goal to include active, reserve and National Guard forces in planning and response. The newly formed USNORTHCOM would lead that planning and subsequent support and accomplish "total force" planning while having no authority or clear lines of communication to collaborate effectively with state and local authorities. In another nod to ensuring an integrated planning and response community, the strategy calls for a "focused reliance" (Strategy for Homeland Defense and Civil Support June 2005) on reserve component elements to ensure that National Guard and Reserve competencies—and their community-deployed stance—are accounted for in the overall strategy. The reserve components, particularly the National Guard, represent a true civil-military link, at the community and state level. The document's central conundrum was this—how can a federally drafted document craft a unified strategy that encompasses both federal and state strategy? The strategy stresses the need for unified action and unity of results but lacks the authority to outline a truly integrated structure that includes all military components—both federal and National Guard.

The National Guard is the only military organization that routinely and habitually coordinates with local law enforcement and other first responder organizations. The strategy recognizes that the National Guard, as a state vice federal agency, is the only military organization that has the legal authority to plan and respond with state and local agencies.

D. THE HOMELAND AS UNIQUE MISSION SPACE

These complicated legal authorities make USNORTHCOM's area of responsibility different for all other geographic Combatant Commands. Normally, combatant commanders have some command relationship with all DoD forces in their area of responsibility; conversely, USNORTHCOM has few assigned forces and the vast

majority of domestically stationed Title 10 Active Duty DoD personnel fall within command structures unrelated to UNORTHCOM. More importantly, USNORTHCOM would almost never command National Guard forces except in the very rare instances where the President has federalized the National Guard and placed them specifically under USNORTHCOM command. Title 10 Reserve forces of all services represent a huge capability yet are unavailable to governors and could only become a USNORTHCOM asset if activated under the Insurrection Act. The very organizations that USNORTHCOM would need to rely on in a domestic emergency were outside its authority to leverage.

The shock of September 11 led the U.S. Government to turn inward and to look at domestic operations through the terrorism lens. We established the Department of Homeland Security to bring together the disparate interagency elements that had apparently failed to prevent this horrific attack. We established U.S. Northern Command to bring together DoD elements with homeland defense and security equities. Building DHS and USNORTHCOM constituted the most aggressive reorganization of the nations' security systems since the end of World War II and essentially created two different organizations to deal with one issue—that of defending and protecting the homeland from terrorists and responding to the consequences should prevention fail. While both organizations arose from a desire to combat terrorism, their first major test appeared in the form of a hurricane.

The heartbreak of Katrina led the U.S. government to again examine its ability to provide coordinated, interagency and intergovernmental support to its citizens. The storm and its aftermath caused a shift in priority from solely terrorist (manmade) events to a more all-hazards approach. The uncoordinated federal, state and local responses exposed dangerous seams leading to recommendations for more presidential authority to deploy federal assets to assist governors. This seemed for a time to signal a more robust—perhaps leading—role for the military in domestic operations during a catastrophic event.

The horrific events of September 11 may have led us to establish USNORTHCOM as a counter to terrorism, but Katrina led us to remember that natural disasters also pose a substantial threat to our nation's stability. In the years following the

terrorist attacks, USNORTHCOM held that “Homeland Defense”—read, DoD in the lead—was its paramount mission and that “Defense Support to Civil Authorities”—DoD in support—was very secondary. In fact, the USNORTHCOM mission statement relegated civil support to a secondary status. Katrina, and the lessons observed, led USNORTHCOM’s pendulum to swing towards civil support and its mission statement evolved to give civil support equal relevance. The need to “anticipate” was added, codifying the Katrina-inspired imperative to “lean forward” during hurricanes, floods, wildfires and other emerging disasters.

Shortly after Katrina’s devastation, the Department of Defense initiated their recurring Quadrennial Defense Review (QDR) and published their findings in February of 2006. While the report lauded DoD and National Guard response to the unprecedented hurricane, it also highlighted the difficult and complex lessons learned for improving unity of effort in complex interagency response efforts. The report recognized that the military’s traditional hierarchical “chain of command” was not necessarily the most effective way to approach these operations; rather, a more “indirect approach to achieve common objectives” (Report of the 2006 Quadrennial Defense Review, 2006) must be adopted to ensure federal, state and local government and agency inclusion. The QDR picked up a theme developed well before 911 and Katrina—that of DoD needing to work as part of a unified interagency effort in the homeland.

The review next addressed methods by which to operationalize this interagency effort, both in terrorism and natural disaster scenarios. The QDR directs that DoD’s core competencies of planning, training and exercises be leveraged to help build capacity within civilian organizations, particularly those that have homeland security missions. Working with and through DHS, DoD was charged with helping to improve HLS capabilities among stakeholders.

One controversial QDR section discusses the potential for the President to have “new or expanded authorities to improve access to the Guard and reserve for use in the event of a man-made or natural disaster (Report of the 2006 Quadrennial Defense Review, 2006).” This raised the ire of governors as it opened the door for federalizing National Guard assets in situations where state and local governments are not necessarily

“overwhelmed” but in which the federal authorities feel it necessary to “push” support rather than wait for state or interagency “pull” requests. Governors felt this was an affront to their sovereignty and would pave the way for the federal government to take a leading vice supporting role in responding to a states disaster.

The post-911 and post-Katrina strategies all wrestled with the same issue; how to achieve unity of effort between civilian and military organizations in planning and response when all these organizations answer to different levels of government—and some, such as private sector and nongovernment organizations—answer to no government organizations at all. Our federalist framework, our freely elected governments and our free marketplace form a leaderless but powerful plethora that must be organized into a cohesive team in order to provide the best results for the public. National strategies, such as the NRP and various Presidential directives, charge DHS to “lead” this team in the homeland, but they do not effectively delineate how DHS, and its companion military organization USNORTHCOM, will organize collectively to plan and respond.

DHS’s initial focus on terrorism and its decidedly law enforcement centric leadership left the organization ill-prepared to shift toward natural disasters and response-based action. The debate as to whether DHS should be a “law enforcement” or an “all hazards” organization was reflected in the 2007 version of the National Security Strategy (2007 National Security Strategy), which promoted a more all-hazards view of homeland security. In order to prevent, plan for and respond to major catastrophic events the nation requires interagency, intergovernmental and whole of society approaches that incorporate and develop powerful decentralized capabilities at local and state levels while concurrently providing overarching national and federal strategies and resources.

Hurricane Katrina brought issues of state sovereignty to the forefront. The Constitution, and its clear statement that governors have all powers not specifically reserved for the President, is perhaps the singular issue making operations in the homeland a unique endeavor. Governors are bound by federal laws and by strings attached to federal funding, but for the most part states are fairly independent actors as they plan for the safety and security of their citizens. The current federal response system

did not allow for proactive coordination, so that governors could efficiently request federal support without also appearing to have failed in the eyes of their constituents (and when federal organizations “leaned forward” to push support, governors resisted). There were no coordinated state-federal plans that truly delineated what each level of government was capable of providing during events in which states require federal resources but have not yet reached the “overwhelmed” stage.

Hurricane Katrina saw the governors deploying their National Guard in record numbers. Governors have authority to employ his or her own National Guard troops, but can also call upon surrounding states to surge support. This is accomplished through the congressionally recognized Emergency Management Assistance Compact (EMAC), which enabled 50,000 National Guardsmen to quickly deploy to Louisiana and Mississippi in Katrina’s wake. In addition to governor-controlled troops, USNORTHCOM was tasked to command and control another 25,000 active duty military responders. Parallel and uncoordinated military responses did not achieve requisite unity of effort and resulted in both USNORTHCOM and the National Guard seeking to develop more efficient ways to ensure collaborative response in the future (A Failure of Initiative).

Domestic response must always consider the Posse Comitatus Act and the Insurrection Act—their application virtually precludes the use of Title 10 Active Duty and Reserve forces during natural or manmade disasters unless such disasters rise to a level that somehow fits the definition of putting down rebellions or enforcing constitutional rights. Post-Katrina, in the National Defense Authorization Act for Fiscal Year 2007 (National Defense Authorization Act for Fiscal Year 2007, 2006), Congress changed the Insurrection Act to give the President the authority to commit both federal and National Guard troops not only to quell rebellions and ensure constitutional rights but also more broadly defined emergencies, such as natural disasters and terrorist attacks. While the impetus behind this change was altruistic—providing “push” resources to states and ensuring Title 10 Active Duty and Reserve Forces are available to the nation

more quickly during disasters—the change was vehemently opposed by governors. State chief executive officers felt the change afforded too much authority to the President. A subsequent “all governors” appeal forced the repeal of the 2007 change.

Hurricane Katrina served to focus national discourse regarding federal-state and civil-military operations in the homeland. In the ensuing years, this discourse has played out in commissions, reports, and think-tank pieces devoted to addressing the issues.

E. THE CURRENT DOMESTIC ENVIRONMENT: INHERENTLY DECENTRALIZED, INTERAGENCY AND INTERGOVERNMENTAL

The post-9/11 dialog centered on one issue—the need to connect the dots and ensure that all agencies, all perspectives are brought to bear to both anticipate and respond to terrorist threats. The post-Katrina dialog centered on unity of effort—building a framework where interagency and intergovernmental elements could come together for maximum unity of effort. The Tenth Amendment’s fundamental truth—amplified by over 200 years of history—results in a domestic planning and response community that is decidedly nonhierarchical and decentralized and not eager to turn over local control to federal entities—particularly the military. In periods of relative peace and security, this decentralized federation serves the nation well. Strong local, state and regional capabilities are efficient and desirable when planning for and responding to localized and relatively minor events, but this plethora poses a problem when the nation, as a whole, needs to develop collaborative multi-echeloned plans and accomplish unified response, as is the case in the post-9/11 and post-Katrina era.

F. THE COMBATANT COMMAND IN THE HOMELAND: CHALLENGES AND SUCCESSES

How does a combatant command fit into this distributed and decentralized system? USNORTHCOM faces a challenge unique among combatant commands; it must plan and conduct missions within the constraining legal framework placed upon the military domestically and must do so within the historical tension between state and federal entities. Fifty states and four territories fall within USNORTHCOM’s AOR, and there are numerous state, local and private sector organizations that have primary

responsibility for the people and places USNORTHCOM may be called upon to protect. Yet, a combatant command has none of the structure or authority necessary to facilitate collaboration with state and local entities. In addition, USNORTHCOM would not normally lead these efforts as National response strategies, plans and directives charged DHS with the federal lead.

AS USNORTHCOM was standing up, OSD representatives made the argument that a Northern Command was necessary because the new threat was very different from that of the Cold War era and the nation needed an “undivided focus” and that a combatant command ensures “unified action—a unity of effort with the actions of supporting combatant commands, other military forces (i.e., multinational operations), other federal departments or agencies, such as the Federal Bureau of Investigation or a Department of Homeland Security, and nongovernmental organizations.” (NORTHCOM: Questions and Answers on the Eve of Implementation). However, OSD did not immediately include a most critical partner in their argument—states and their National Guards.

The nation’s governors, while understanding the need to respond strongly to attacks on the nation, viewed USNORTHCOM establishment with some trepidation. Congressional testimony from both governors and from National Guard leaders recommended USNORTHCOM be sensitive to sovereignty issues associated with deploying active duty troops within state boundaries and recommended using the National Guard under state authority as the best solution to bridge this gap.

During USNORTHCOM stand-up, the Constitution Project summed up suspicions regarding the new homeland command. They registered concerns about the President having unchecked authority to define the new command’s mission and described concerns about safeguards that would keep the command operating within the legal framework. They postulated that USNORTHCOM might need to be specifically precluded from gathering intelligence domestically (Constitution Project).

Shortly after USNORTHCOM’s standup, a Congressional Research Service report highlighted concerns about how the new command would need to interact with federal agencies, as well as state and local government organizations. It noted that strong

ties with state and local response entities would be essential to respond to terrorist attacks (Bolkcom, DeSerisy & Kapp, 2003). Mirroring concerns brought up by the Constitution Project, the CRS report admonished that access to information and intelligence could create the perception that the USNORTHCOM was spying on the U.S. public. The report also recognized that USNORTHCOM's mission may put it in conflict with domestic restrictions on the use of military personnel. It outlined the inherent conflict between using all elements of national power, including the military, to combat terrorism and the resistance to "militarizing" our society (Bolkcom et al., 2003).

Originating documents and study pieces related to USNORTHCOM stand-up called for the organization to be comprised of approximately 500 personnel with significant National Guard staffing to facilitate collaboration with states and their National Guards. The original working group recommended that fully 50 percent of the NORTHCOM staff be National Guard officers, as they would bring familiarity with state-led domestic issues and solutions. The original concept also recognized that the command must work in concert with existing agencies, the FBI and FEMA most notably, and with the newly emerging Department of Homeland Security. The initial planning team recognized the new combatant command needed to be innovative and flexible enough to address the unique interagency and intergovernmental challenges facing a homeland command.

During USNORTHCOMs first few years, think tanks echoed the call for better utilization of DoD's reserve component assets in all hazards environments. The Center for Strategic and International Studies (CSIS), Beyond Goldwater Nichols II Report, The Future of the Guard and Reserves: (Murdock & Wormuth, 2006) advocated strongly that the National Guard should form teams to provide regional civil support as part of the larger force management and rotation cycle. The report further indicated that regional planning and exercising was sorely missing from the current national preparedness system. The authors also reiterated the recommendation that USNORTHCOM employ a National Guard officer as Deputy Commander. According to the Rand Report Hurricane Katrina: Lessons Learned for Army Planning and Operations (Davis, Rough, Cecchine, Gereben Schaefer & Rohn, (2007), the National Guard should have specific federal

homeland security responsibilities and, like CSIS, Rand recommended the creation of National Guard-led regional homeland security task forces. The Center for American Progress report *Caught off Guard, the link between our National Security and Our National Guard* (Korb & Duggan, 2007) focused on the strong linkage between a ready National Guard and an efficient response in the homeland. This report went so far as to recommend building a nondeployable homeland security corps that would fall under DHS and serve as augmentation force when National Guard forces are not available.

During USNORTHCOM's first few years, various reports provided critique and comment. Recommendations included GAO reports that stressed that DoD in general, and USNORTHCOM in particular, give more emphasis to Defense Support to Civil Authorities (DSCA) rather than on less-likely homeland defense mission (GAO, 2009). Government directives recognized that USNORTHCOM is very rarely, if ever, in the lead domestically and the National Response Framework (NRF) reiterated lead agency responsibility and clearly state DoD supporting roles (National Response Framework). Lack of state-federal planning was detailed in various GAO reports, which criticized NORTHCOM for not having access to state plans and for not seeking to understand state capabilities more accurately prior to response (GAO, 2008b). GAO noted that recently the command had established a State Engagement Working Group to help provide state perspective, but a review of USNORTHCOM staffing indicates there is no dedicated staff or advisor to facilitate this effort (GAO, 2008b).

Hurricane Katrina forced the country to relook how it used its military capabilities in response to natural disasters and focused debate on the interaction between federal authorities and state governors. The Katrina Report (2006) found there was a startling lack of transparency between DoD (USNORTHCOM in particular) and the National Guard, which hampers situational awareness of active duty and National Guard capabilities employed in the disaster area. Reports cited parallel DoD command structures between state (National Guard) and federal (active duty) forces as an unfortunate outcome. Lessons learned recommended that DoD ensure the National Guard focus on increased integration with active duty forces to ensure collaborative homeland security plans and activities. The report also stressed the need for regional teams, and

recommended National Guard staffing, and recognized that each state's Joint Force Headquarters and Joint Task Force' should be fully resourced and included in the national response system. Finally, the report advocated increased National Guard staffing at USNORTHCOM.

The Center for Strategic and International Studies (CSIS) (Wormuth, 2008) advocated strongly that the National Guard should form teams to provide regional civil support as part of the larger force management and rotation cycle. It also indicated that regional planning and exercising was missing from the current national preparedness system. The authors also reiterated the recommendation that USNORTHCOM employ a National Guard officer as Deputy Commander.

Commission on the Guard and Reserve (CNGR) report (Commission on the Guard and Reserves, 2008) made many recommendations geared towards strengthening the National Guard voice at USNORTHCOM, including recommending that the Deputy Commander of USNORTHCOM be drawn from the National Guard and that USNORTHCOM, in general, have more National Guard and Reserve staff. CNGR also recognized the need for governors to have a greater say in DoD homeland business. It recommended a Council of Governors be appointed to advise the Department of Defense, as well as ensuring state National Guard equities are addressed by elevating the Chief of the National Guard Bureau to the rank of four-star general and appointed as advisor to the Secretary of Defense. Many of these recommendations were subsequently included in the National Defense Act of 2008 (NDAA Act of 2008).

Recent GAO reports indicate continuing frustration that USNORTHCOM is not doing enough to facilitate collaborative planning with states. Two 2008 reports were commissioned by congressmen representing the Senate National Guard Caucus, the Senate Appropriations Committee Subcommittee on Defense, the House Committee on Homeland Security, the House Oversight and Governmental Reform Committee and the National Security Subcommittee (GAO, 2008a; GAO, 2008b). These reports both dealt with USNORTHCOM's ability to support the nation's overall security and defense needs. Their findings concluded that USNORTHCOM lacks the ability to adequately plan, support, assess readiness and coordinate with state and local officials. The reports lament

that USNORTHCOM has not evolved into an integrated body capable of emergency preparedness and response. In a press release announcing these reports, one commissioner noted that USNORTHCOM's "inability to integrate leadership, planning and operations with some of its most experienced stakeholders (i.e., state emergency management professionals) has left the DoD unconnected...and has sabotaged any real progress toward establishing a tiered, coordinated military response to major emergencies"(United States House of Representatives, 2008). Another Senator concluded that USNORTHCOM should "be working closely with state and local communities" but that the command is "doing very little of this core activity. " Further, a representative opined that until governors and their National Guards "can work together more seamlessly, NORTHCOM's ability to be of assistance in the homeland response will continue to face significant challenges" and "true readiness is found by practicing like we will have to play in a true disaster." Finally, one representative remains "convinced that almost seven years after 9/11, the U.S. Northern Command, *as presently structured* [emphasis added], serves no real purpose..." (United States House of Representatives, 2008).

Enabling the collaboration that these congressmen found lacking is key to USNORTHCOM success. USNORTHCOM as the largest interagency presence of any COCOM—about 60 individuals representing over 40 non-DoD federal organizations are resident in the command. Another 20—not all federal—have preidentified representatives on call in the immediate area. These are powerful representations, demonstrating an interagency national commitment to our homeland. USNORTHCOM's Interagency Coordination Directorate facilitates collaboration through these representatives. USNORTHCOM also collaborates with DHS through its constituent representatives—the 20 + U.S. Coast Guard officers on staff, as well as a Senior Executive Service ranking DHS advisor to the Commander. National Guard Bureau coordination is facilitated by 40+ National Guardsmen integrated into the staff and a two-star National Guard Advisor (a drilling guardsmen, not assigned full time) and his National Guard Advisor's office. In addition to full and part time staff presence, USNORTHCOM planning staff regularly coordinates planning with NGB and DHS, with varying degrees of success.

Until recently, there were no National Guard officers in USNORTHCOM's senior command positions—save for the Chief of Staff. The NDAA 2008 mandate included the direction for USNORTHCOM's Deputy Commander to be a Guardsman. USNORTHCOM has also previously filled the J3 Operations position (a 1-star billet) with a Guard Officer or a Coast Guard officer to provide their unique perspectives to USNORTHCOM Operations.

Additional attempts at collaborative staffing are found in USNORTHCOM's component organizations. The Commander of USNORTHCOM's Air Force Component (AFNORTH) is an Air National Guard Officer as is much of the AFNORTH staff. Joint Task Force—Civil support is commanded by an Army Guardsman and another Army Guard general commands one of NORTHCOM's Army Component (ARNORTH) Operational Command Posts. In addition to senior officer billets, significant integration successes have occurred in the USNORTHCOM Training and Exercise Directorate, where approximately 20 National Guard billets have been allocated to facilitate collaborative training between USNORTHCOM and the National Guard.

These steps represent significant progress towards building a collaborative USNORTHCOM and National Guard environment. USNORTHCOM integrated staffing does facilitate better communication between USNORTHCOM and the National Guard Bureau, but does little to forge a bridge between USNORTHCOM and the States directly. The National Guard Bureau's charter asserts that it is their role to provide that bridge to the states. In the end, USNORTHCOM clearly does not have the requisite structure or authority to communicate and collaborate with states directly (Department of Defense, 2008).

Recent Commission on the National Guard and Reserve and Center for Strategic and International Studies reports have emphasized the need for governors and their National Guards to be vital players in domestic planning and response (Wormuth, 2008). Each day in America there are on average 7,000 Guardsmen employed under the governor's control performing homeland defense and security missions. Guarding critical infrastructure, supporting Customs and Border Protection along our southern border and supporting law enforcement in counter-drug efforts make up the bulk of this support.

During natural disasters and emergencies, this support swells dramatically as Guardsmen are called up to support relief efforts. Numerous studies have advocated for codifying and increasing the National Guard's role in Homeland Defense and Security; the Heritage Foundation (Spencer & Wortzel, 2002) advocated that the National Guard is the logical Armed Forces lead element to provide for homeland security activities. They cited law, tradition and history that give the guard the legal authority and the distributed structure to effectively respond to homeland attacks.

Some state, local and federal partnerships have formed out of necessity but must be maintained, supported and resourced to ensure their continued viability. Whole of government approaches must then be transitioned to "whole of society" approaches—not only institutionalized local, state and federal government involvement but also private sector, academic, faith-based, humanitarian and social organizations that have a stake in their community's security. DoD, arguably the strongest advocate for single-agency solutions, recently signaled its support for "whole of government" approaches as Secretary Gates describes his whole government perspective (Quadrennial Roles and Missions Review Report, 2009).

The 911 and Katrina induced federal reforms, including the establishment of DHS and USNORTHCOM, have provided some federal umbrellas to unify defense and security efforts, but they did little to ensure homeland security and defense in depth, from the local response through state, regional and national levels. Federal/National-centric solution do not necessarily foster federalism and state sovereignty nor promote transparency, trust and collaboration between all stakeholders. Recent think-tank reports support the notion that the nation should re-invigorate federalism. Just after the 2008 Elections, The Center for American Progress published recommendations that the new president should increase support to state and local authorities, as well as ensure federalism form the basis of homeland security resourcing (Green & Jolin, 2009).

The Center for Strategic and International Studies (CSIS) notes that the

...principle of managing a crisis at the lowest level of government possible should remain a fundamental feature of the American approach to domestic emergency management. At the same time, the next Secretary of

Homeland Security, with the President's strong backing, should work closely with state governors to begin exploring how the current system could be adapted in a mutually acceptable way that balances the need to fully empower the federal government under existing law with maintenance of the constitutional right of states to self-governance during a catastrophe. (Wormuth, 2008)

The Commission on the National Guard and Reserves concluded:

...the priorities of the states and their governors are not adequately considered in the Department of Defense's policy and resourcing decisions related to the National Guard, even though governors are, and likely will continue to be, the leaders of most domestic emergency response efforts involving the National Guard.... (Commission on the Guard and Reserves, 2008)

It further recommended that "Congress should establish a bipartisan Council of Governors ... to meet and advise the Secretary of Defense, the Secretary of Homeland Security, and the White House Homeland Security Council on matters related to the National Guard and civil support missions" and to "develop protocols that allow governors to direct the efforts of federal military assets responding to an emergency, such as a natural disaster" (Commission on the Guard and Reserves, 2008).

Our federalist system promotes decentralized leadership as mayors do not work for governors and governors do not work for the President. Our local and state jurisdictions function somewhat independently to ensure their citizens' security. Truly empowering state and local entities to be active and equal security/defense partners would capitalize on the power of the state-federal partnership and could maximize the effectiveness of local and state networks.

The need for governors to have a voice within the Defense community was codified in the National Defense Authorization Act for Fiscal Year 2008 (National Defense Authorization Act for Fiscal Year 2008, 2008). The Act established a "Council of Governors" that would be charged with ensuring DoD entities understand the implications of its policies on both state government and on the citizens that governors

are sworn to protect and defend. Defense Secretary Gates reiterated the department's desire to fulfill the recommendation to allow governors access to federal forces in emergency situations.

Today USNORTHCOM staff currently includes over 2,000 people in its headquarters, Army, Air Force and Marine service components, and its five Joint Task Forces (JTFs). The 1200 person Headquarters staff is approximately 60 percent military, with the National Guard comprising approximately 15 percent of the military staff. USNORTHCOM has made strides in establishing integrated staffing with interagency and National Guard officers and has had some success in interagency and intergovernmental planning but the organization is still decidedly traditional and military-centric in structure and culture.

G. EVOLUTION IN OTHER COCOMS

The Department of Defense carves up the globe into areas of responsibility and tasks a combatant command to be in charge of DoD activities within that area. There is a relatively standard structure associated with a combatant command, but they have necessarily evolved over time to take on the missions unique to their geographical area and their unique interagency coordination requirements. All combatant commands have wrestled with the need to collaborate with other agencies that share their mission space.

U.S. Africa Command was designed to be “nontraditional” at its core, including non-DoD staffing, such as a Department of State Officer as Deputy Commander. The newest geographical command represents the application of new thoughts and new directions. Africa Command's framers sought to build an organization that would support interagency and private sector initiatives already firmly established in the African theater of operations. The new command was built with the overall U.S. goal in mind—that of contributing to building a stable security environment and focusing on conflict prevention rather than focusing on the repercussions of conflict. This new command actively acknowledged and embraced its supporting role behind the Department of State and the

U.S. Agency for International Development, as well as nongovernmental organizations humanitarian goals and emphasized security cooperation and building African partner capability.

The Africa command model codified this cooperative spirit in its very structure; rather than the traditional “J-staff,” this new command would organize around six execution-focused directorates that includes knowledge development and outreach as core missions. The civil-military imperative was reflected in its command structure with two deputy commanders assigned—one Deputy Commander for Military Operations (DCMO) and another Deputy Commander for Civil-Military Activities (DCMA). The civilian DCMA deputy would be drawn from the senior foreign-service ranks and would maintain ambassadorial level. In addition to an interagency deputy, the command envisioned 16 interagency members be fully embedded staff, filling key leadership positions.

The Africa Command strategy was built with execution in mind, the unique nature of its AOR reflected throughout its structure. U.S. Southern Command (USSOUTHCOM) recently transformed using this same approach—analyze the unique security environment in the USSOUTHCOM AOR and build an organization uniquely suited to facilitate regional security. Like Africa Command, U.S. Southern Command has two deputy commanders, a traditional military deputy to retain military command authorities and a unique civilian deputy that is dual-hatted as foreign policy advisor. The unique staff structure includes innovative mission directorates and functional directorates, again breaking the “J-code” tradition. The command addresses the interagency requirement through its J9 “Partnering Directorate” through which pertinent interagency and nongovernmental relationships are formed. Frequent natural disasters in the USSOUTHCOM area of operations led to a necessary and successful partnering with Non-government organizations and the United States Agency for International Development (USAID) is a key partner with which USSOUTHCOM has formalized and codified its relationship.

Both combatant commands, the newly conceived and the recently reorganized, were built specifically to facilitate proactive collaboration with U.S. interagency partners

and to encourage information sharing and capacity building between the U.S. and partner nations. Both have encountered difficulty in maintaining their unique character—as “Combatant Commands” tend to seek a comfortable standard structure.

In contrast to the new Africa Command and the newly reorganized Southern Command, U.S. Northern Command is organized in traditional J-code structure and does not have a civil-military focused deputy nor a structure unique to its geographical AOR or mission set. The only nod to the domestic arena’s unique interagency and intergovernmental operating environment is USNORTHCOM’s Interagency Coordination Directorate—the primary staff responsible for building and maintaining interagency relationships and facilitating collaboration. In spite of its robust interagency representation, the command still does not have interagency staff embedded in leadership and decision making positions.

Combatant commands are evolving all over the globe. When it became clear that DoD-only solutions were not going to do the job in Iraq, the Center for Strategic and International Studies (CSIS) published a report indicating the Secretary of Defense should re-look the current Unified Command Plan (UCP) (Hicks, 2008). To function in this new, face-paced and interagency-minded reality, combatant commands would need to adapt to the current and future security environment, exchanging the rigidly hierarchical cold-war based structure for something more inherently whole of government. The report recommended a zero-based wholesale redesign of the UCP combatant command structure—starting with NORTHCOM, STRATCOM and JFCOM. NORTHCOM would need to be scoped and resourced according to its anticipated mission set; the resulting redesign could, according to this CSIS report, lead to a number of outcomes including a “command” led by a “nonmilitary coordinator where the U.S. government action (including the use of military power) is by definition planned, coordinated, and executed through an integrated, interagency structure (Hicks, 2008).”

III. CONCLUSION AND RECOMMENDATIONS

A. FINDINGS

1. The Federalist Imperative and the National Guard Role

Our form of government dictates that states must be part of the solution—there is a Federalist imperative and the National Guard is an integral part of this federalist construct.

2. The Drive Towards “Whole Nation” Approaches to Provide Three Essential Functions in Homeland Defense and Security

Every defense or security or emergency situation in this country is inherently interagency and intergovernmental. Many situations have the potential to be international. There are three essential and inherently integrated functions in Homeland Defense and Security—Situational Awareness, Planning, and Response. The nation’s situational awareness, planning and response capabilities are decentralized and under the purview of disparate local, state, federal and private sector organizations; all these levels must be part of the solution. These three functions constitute the domestic security lines of effort. These lines of effort constitute the core security and defense functions that the whole nation must accomplish collaboratively

3. USNORTHCOM—In Its Current Traditionally-Structured Combatant Command Model—Does Not Address the Federalist Imperative, Does Not Maximize Decentralized Capabilities and Does Not Efficiently Integrate Interagency and Intergovernmental Partners

During the Cold War, we built large military-centric regional commands to address security and defense far from the homeland. After the 911 attacks, we applied this centralized, federal top-down traditionally structured Combatant Command solution to a decentralized, intergovernmental ‘bottom up’ problem. Given the United States’ federalist and decentralized, civilian-led government, it is not likely that there will ever be a purely military security situation in the homeland; thus, there should not be a purely

military planning process nor should there be purely military response organizations. The combatant command model is not tailored to the complex adaptive nonmilitary centric homeland defense and security problem that exists in America.

B. CONCLUSION

USNORTHCOM, concurrent with DHS AND NGB, must evolve into a federalist-based whole nation integrated organization that facilitates the three domestic security lines of effort

USNORTHCOM must evolve into a new organization that is structured to facilitate Federalism, maximize Domestic Security Cooperation Lines of Effort, and include the Interagency, International, Intergovernmental (including the National Guard) and Private Sector organizations that can harness the core competencies and authorities of each sector for truly collaborative whole of society efforts. This evolution cannot be merely procedural; it must include fundamental structural and philosophical change. USNORTHCOM must undergo fundamental structural change to work within our federalist, decentralized, interagency landscape. Structural evolution recommends USNORTHCOM follow the same path that both U.S. Southern Command and U.S. Africa Command have traveled—that of seeking innovative, paradigm-shifting solutions to addressing the unique mission set within a specific geographical area. Structural evolution dictates that a traditional Combatant Command structure should be replaced with a fully integrated task force that combines the core competencies, authorities and funding streams of major HLS and HLD partners to build a task force that can truly plan collaboratively and respond with unity of effort. Staff and leadership would be drawn from existing DoD, DHS, National Guard and other partners in homeland security and homeland defense. But not just as individual; this thesis advocates that actual staffs and “slices” of existing organizations be carved away to form the new organization.

The research recommends we deconstruct USNORTHCOM (and to some extent other COCOMs), DHS and NGB and move the appropriate parts to form an innovative, distributed, decentralized, multi-echeloned adaptive organization. It should be a civilian led, federalism based, Domestic Security Command (hereafter called the DSC) that has

the ability to address the most likely homeland defense and security scenarios through civilian interagency means but also flex to the most dangerous scenarios through military-led means.

The nation's situational awareness, planning and response capabilities are decentralized and under the purview of disparate local, state, federal and private sector organizations. The organization charged with providing homeland defense and security must be one that maximizes the contributions and capabilities the decentralized organizations bring to the whole. Rather than make the decentralized, distributed, interagency and intergovernmental whole change and organize to facilitate USNORTHCOM's success, USNORTHCOM should evolve to be appropriate for the nation in which it resides. This is the only way a homeland command can hope to be viable, effective and lasting.

As combatant commands evolve to reflect their unique circumstance, so too must they evolve their relationships with the sovereign entities that fall within their area of operations and influences. A combatant commander's Theater Security Cooperation and Humanitarian Assistance plan call for them to proactively partner with U.S. government agencies in support of a whole of U.S. government approach to national security goals. The current national military strategy stresses the need to facilitate interagency and enable international interoperability before crises occur. It is this directive for collaborative forward-thinking approaches that led U.S. Africa Command and U.S. Southern command to structure according to their unique theater security and humanitarian assistance landscape. It seems logical that U.S. NORTHCOM would do the same; structurally organize to best support the partners within its area of responsibility. These partners include sovereign nations—Canada, Mexico and some Caribbean Islands but also must include the 50 U.S. states and four territories within the USNORTHCOM geographical area of interest. .

USNORTHCOM maintains strong engagement strategies with Canada and Mexico, but has had more difficulty codifying its relationship with states as domestic security partners. As described earlier, there are laws and policies that prohibit or make difficult the direct coordination between the federal military and domestic civilian

entities. Many of these precautions are prudent and necessary, but some are merely historical holdovers or result from turf issues that, for the sake of the American public, should be overcome.

USNORTHCOM has tried to find a way around these impediments in order to “do the right thing” for the public. Their efforts were most noticeably bogged down during the response to hurricane Katrina, when USNORTHCOM’s rush to action and was perceived as violating states rights and second guessing governors’ sovereignty. USNORTHCOM had not fully developed its mission sets and processes and our nation had not yet socialized how this new entity would or should interact with the myriad of dedicated, decentralized and appropriately authorized organizations also rushing to the response. It was apparent that USNORTHCOM did not have the appropriate state and local expertise, staff mix, understanding or authorities that would allow it to work in concert with local and state activities.

Since its inception USNORTHCOM’s command, staff and subordinate organizations have engaged with States, State leadership (including the National Guard) and other organizations that represent state equities. Unique among Department of Defense Combatant Commands, USNORTHCOM has the imperative to anticipate, plan and respond collaboratively with over 50 sovereign entities—the states and tribal nations within the USNORTHCOM area of operations. The nation’s governors and tribal leaders take very seriously their role as the Commander in Chief of their states and leaders of their tribal nations. They are responsible to their constituents to plan for and coordinate state and local resources to address natural disasters, major accidents and—importantly—they include terrorist incidents and pandemics among those emergencies for which they must be prepared.

As the only military force shared by the states and the federal government, the National Guard provides a natural and effective bridge to accomplish collaboration between federal and state mission partners—particularly between the Title 10 military and state responders. The current USNORTHCOM construct does not adequately include

the National Guard as a primary staff component. For truly coordinated policies, codified procedures, collaborative plans and unified operations the DSC must include as core staff, those organizations that represent states and their National Guards.

The new Domestic Security command must be fundamentally restructured based on reality—incidents will unfold from the ground up from local, to state (including National Guard support), to regional, to National incident and the capstone organization that evolves from present-day USNORTHCOM must be based on that underpinning. The federalist imperative must form the backbone of this new evolved structure. USNORTHCOM's successor must work even more collaboratively with state mission partners in order to accomplish Homeland Defense and Civil Support missions efficiently and effectively.

The 2008 National Defense Authorization Act included a provision that specifically addressed the federalist imperative through the appointment of a council of governors to advise the Secretary of Defense. In January of 2011, President Obama issued an executive order establishing this council to *“exchange views, information, or advice with the Secretary of Defense; the Secretary of Homeland Security; the Assistant to the President for Homeland Security and Counterterrorism; the Assistant to the President for Intergovernmental Affairs and Public Engagement; the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs; the Commander, United States Northern Command; the Chief, National Guard Bureau; the Commandant of the Coast Guard; and other appropriate officials of the Department of Homeland Security and the Department of Defense”* (Executive Order No. 13528, 2010).

The executive order codified the essential state-federal and interagency relationships that are required to ensure unity of effort in homeland defense and security. The council will advise specifically involving the National Guard, homeland defense, civil support and policies to ensure the “synchronization and integration of State and Federal military activities in the United States” (Executive Order No. 13528, 2010). The Council immediately set about operationalizing this advice; The Council of Governors, together with DoD and DHS representatives, developed a Joint Action Plan that calls for shared situational awareness mechanisms, improved integrated national planning,

procedures or the Joint Reception Staging, Onward Movement and Integration (JRSOI) of forces into state response, prescribed homeland defense and security mission assignments and unified response under “dual-hat” commanders (U.S. Department of Defense, 2011).

Moves towards including states and governors and their National Guards in the nations homeland defense and security process are welcome and the Joint Action Plan is a very positive step. Next, its tenants should be applied as a blueprint for building the new Domestic Security Command that would replace USNORTHCOM and provide a physical staff to operationalize the Joint Action Plan.

It seems an obvious statement; all defense or security or emergency situations in this country are inherently interagency and likely intergovernmental (i.e., local, state and federal). Many situations have the potential to be international and strategic in scope and affect. Local events—such as police officer responding to suspicious behavior/activity in a local suburb—can become national and international events very quickly. Because very few events are confined to one agency’s lane or one government level, the mechanisms that we use to track, report, plan for and respond to these event should also be interagency and intergovernmental in structure.

At the state level, this means that any state Joint Task Force formed to address an emergency situation must be interagency at its core. A dual-hatted JTF Commander should be augmented by a federal interagency team that can bring the expertise and authorities that those federal agencies possess. That expertise should be drawn from the region in which the emergency resides to ensure familiarity with local and regional capabilities, expertise and challenges. FEMA’s current 10 regional hubs that should be expanded to be DHS-led interagency regional staffs that are inclusive of all DHS agencies (including FEMA) and include DoD equities through the Defense Coordinating Officer, National Guard equities through the Homeland Response Force, as well as state and private sector equities. The regional interagency team should be directly organized under the DSC and provide their day-to-day regional situational awareness, as well as the planning staff that can write detailed regional specific plans. As indicated above, the DHS region should be capable of spawning an Interagency team to augment a state JTF.

Moving up to the national level, the new DSC should be inherently interagency and intergovernmental—not just through Liaison officers, but from a merging of the major stakeholder organizations that currently exist—essential intergovernmental, interagency and international stakeholders should be represented on the staff. DHS, NGB and DoD are three major pillar organizations that must merge a portion of their existing staff into the new DSC. In the response mode, the DSC must be capable of spawning an interagency team to augment a Regional response and provide its interagency/intergovernmental coordination staff. The DSC's structure must provide decentralized homeland defense, security and response community in order to be effective.

C. IMPLEMENTING THE DSC

The new organization must meld (not duplicate) parts of DoD, DHS and NGB. From the DoD Perspective, the Office of the Secretary of Defense, Homeland Defense and America's Security Affairs and Homeland Defense (OSD HD/ASA) should continue to provide the policy guidance that governs DoD relationships with interagency and intergovernmental mission partners. Any planning elements within the OSD HD/ASA structure—as well as all other domestic planning and operational elements currently inherent in DoD—should be chopped to the new Domestic Security Command. This includes, but is not limited to, DoD Situational Awareness/Ops Centers, and Military Support organization/staffs, such as the Joint Director of Military Support (JDOMS), which oversees DoD's domestic support operations. There are equities currently assigned to other regional and functional combatant commands that are better incorporated into the DSC. After a thorough review of all combatant commands, appropriate functions, planning staffs and response capabilities from those commands should be pulled under the DSC umbrella. Examples include some DSCA responsibilities currently assumed by SOUTHCOM and PACOM, as well as communications continuity programs and cyber security programs overseen by other regional and functional combatant command

There here are many elements underneath DHS that would be an inherent part of the DSC. The DHS Situational Awareness/Ops Center and DHS's planning elements (including those resident in FEMA) should be subsumed into the DSC. The current FEMA regions should become DHS –inclusive regional centers that, together with DoDs Defense Coordinating Elements and State Planners will form the regional level of the DSC structure.

The National Guard Bureau's charter states that it is the "channel of communications on all matters pertaining to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States between the Secretary of Defense, the Joint Chiefs of Staff, the Commanders of the Combatant Commands..." (Department of Defense, 2008). There is no reason to believe that this charter could not be upheld while making appropriate slices of NGB part of the DSC. The National Guard Bureau really encompasses three relatively distinct elements; the Air Guard staff and the Army Guard staff are concerned with building, training and equipping their respective forces primarily for the overseas warfight and should rightly be aligned closely with their Active Air and Army staffs. The NGB Joint Staff fills the domestic seam, focusing mainly on domestic issues including the National Guards role in Defense Support of Civil Authorities. The NGB Joint staff should be one with the DSC; NGB's Operations, Situational Awareness Capability and Planning efforts should merge into the DSC organization. Given federalism and the sovereignty issues that arise when planning for and employing the Governor's Militia, the NGB role would need to be carefully constructed and interwoven so as not to be subordinate to any Title 10 authority.

Planning elements scattered throughout other Federal Agencies should be brought together under the DSC umbrella—virtually, if not physically. Most notably, planners from the Department of Health and Human Services, Department of Justice and the Department of Energy should have resident advisor-planners that can tap into the subject matter expertise their parent organization has developed.

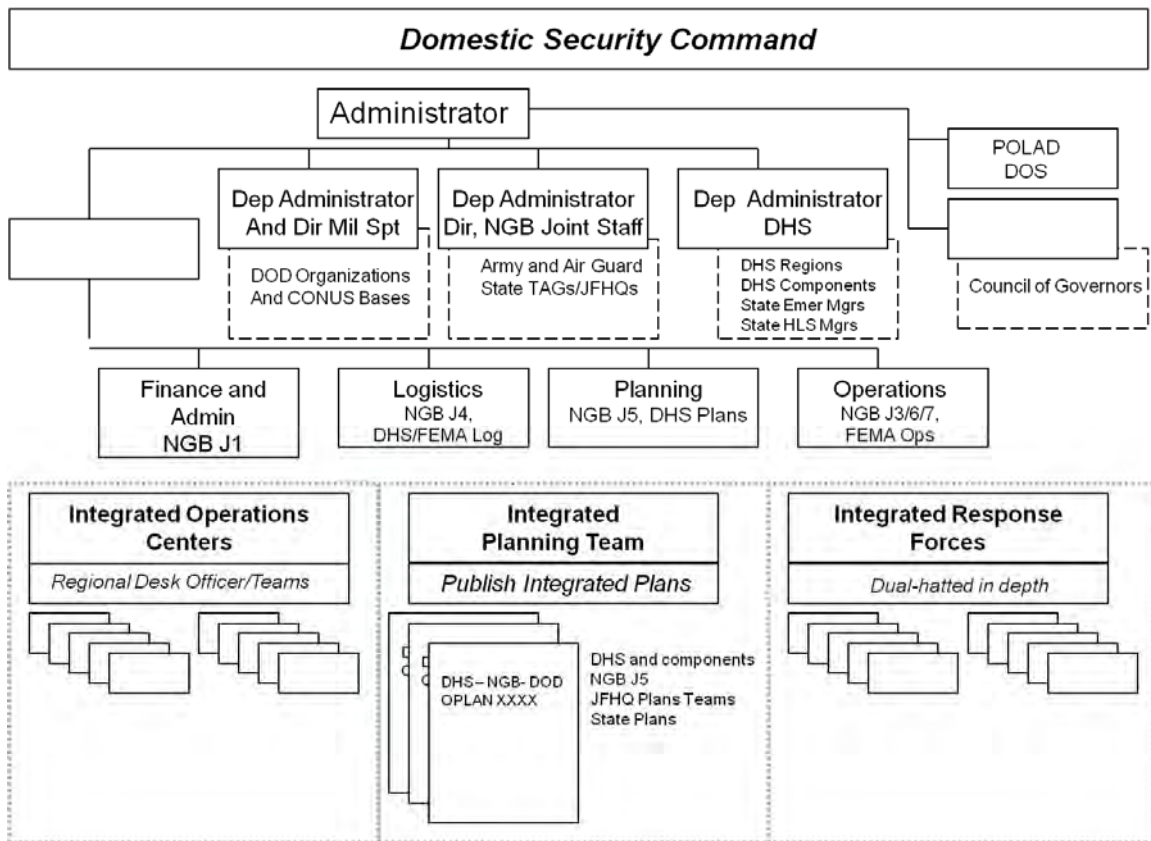


Figure 1. Domestic Security Command

The essential functions of integrated situational awareness, planning and response should be built into the new Domestic Security Team Command to maximize all the source information, planning expertise and response capabilities—while decreasing the duplication and overhead. This would include the following.

1. DSC Line of Effort—Situational Awareness

It has been said that all emergencies occur in some governor’s back yard; local police, private sector businesses and state agencies will likely be the first to provide situational awareness during developing domestic emergency situations. There are of course situational awareness capabilities that are outside state jurisdictions—most notably those air and sea approaches monitored by NORAD—but the vast majority will fall squarely in a local jurisdiction. At present, there are many duplicative situational awareness centers all focused on domestic operations. USNORTHCOM, DHS, FEMA,

NGB and others all operate centers tracking the same basic information. The nation's situational awareness—and thus its security—depends on maximizing the contribution, synchronization and analysis of the diverse and decentralized information coming from all sources.

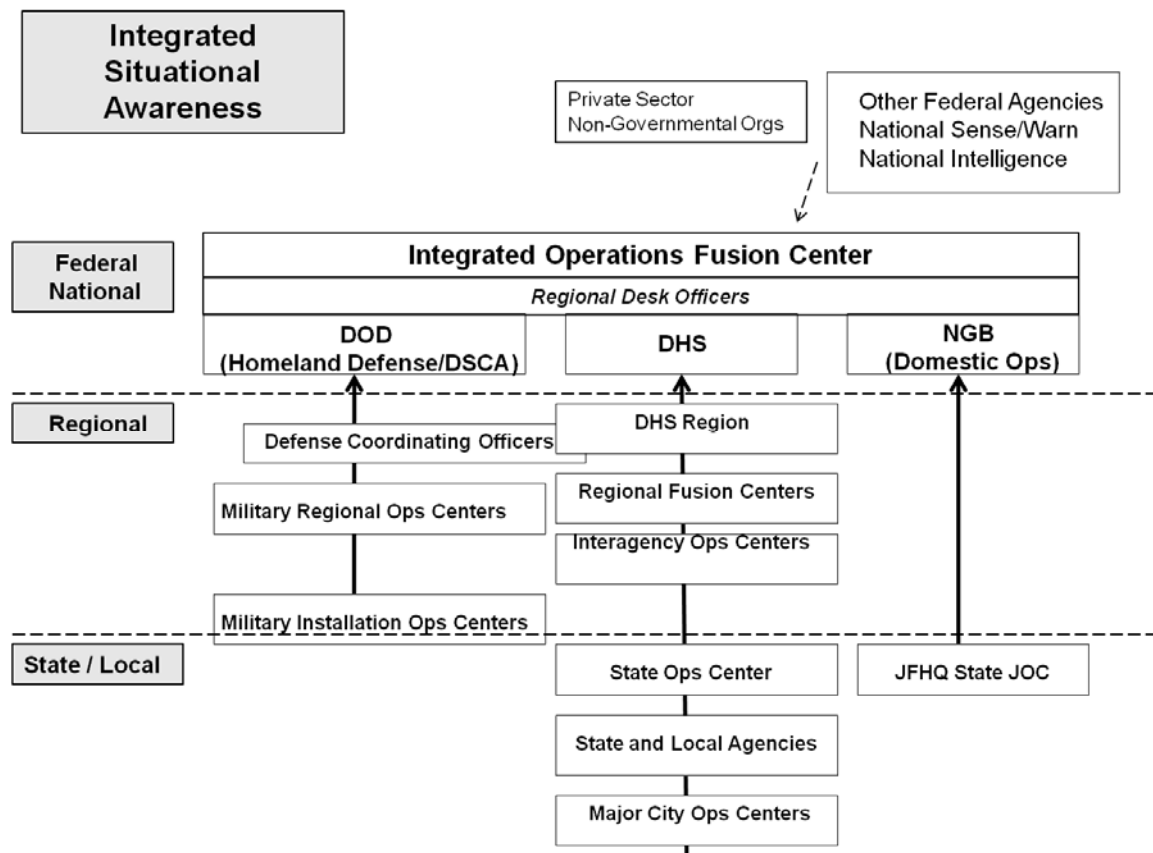


Figure 2. Integrated Situational Awareness

- **Recommendation:** Merge the DHS, FEMA, NGB-Domestic Ops, NORTHCOM and DoD Domestic Operations situational awareness/ops centers. Locate the Nation's domestic operations center at Peterson Air Force base where it will be much more supportable, centralized, survivable and attractive to subject matter experts.

2. DSC Line of Effort—Integrated Planning

Each level of government and each department accomplish planning; while integrated planning systems have been attempted, there is no single location at which

subject matter experts can habitually come together to formulate integrated plans. A new domestic security organization should provide a standing interagency and intergovernmental staff of experts that would facilitate true collaborative planning and result in true “National” vice “Federal” plans that would knit together planning from federal agencies, states, the National Guard and eventually private sector entities. If we accept the finding that all incidents are inherently interagency and intergovernmental, and that most situations develop from the “ground” up, why should we have three or four or five different organizations writing plans for the same events? Federal and state, civil and military...all appropriate organizations must come together to write integrated capstone plans that reflect the issues and capabilities that each organization brings to the situation. If planning elements from DHS, NGB, DoD and states come together at one organization to write truly integrated plans—with no one agency claiming “ownership”—those plans will finally be timely and accurate.

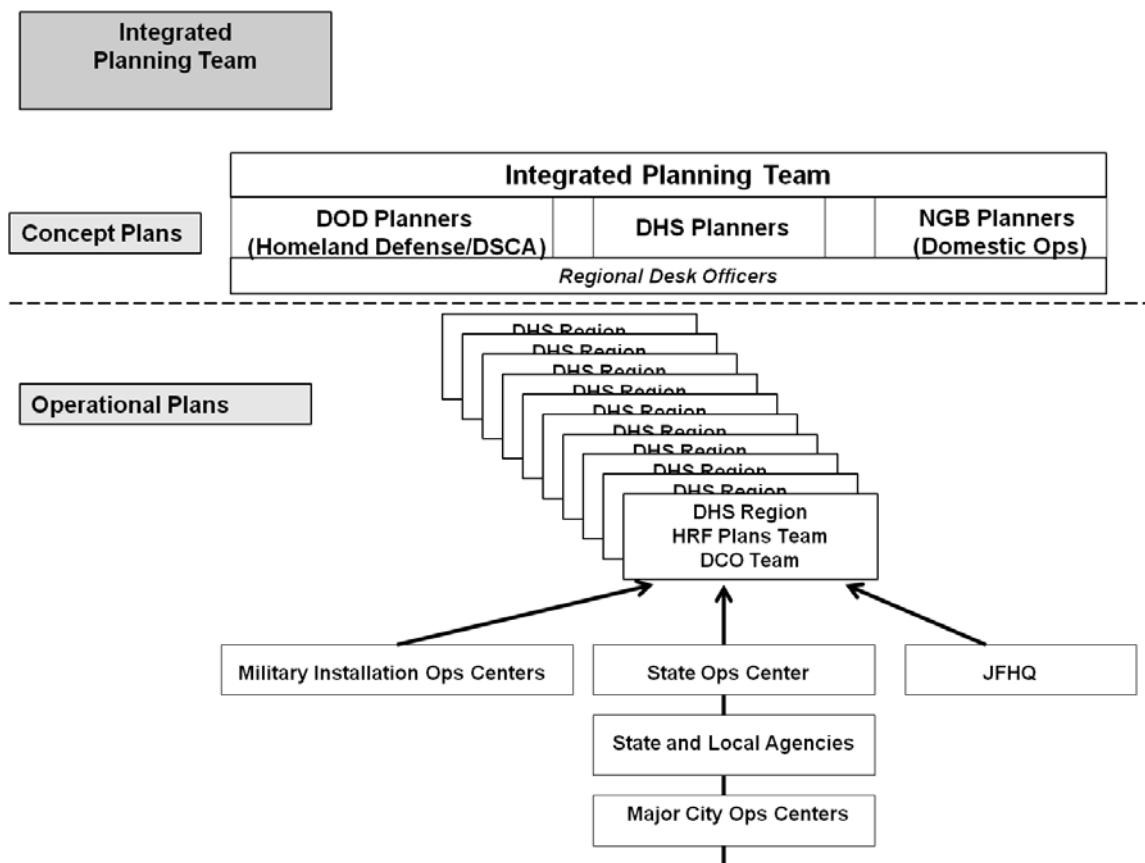


Figure 3. Integrated Planning Team

- **Recommendation:** Consolidate DHS, FEMA, NGB-Domestic Ops, NORTHCOM and DoD Domestic Operations planning staffs at the new Domestic Security Command. Ensure these planners are subject matter experts drawn from each community and experienced at national-level planning. This small team would develop and publish joint, interagency, combined and integrated plans bearing the DoD, DHS and NGB crests as a minimum. This team would concentrate on writing concept plans—broad in nature and applicable across the nation. More detailed plans would be written at regional level and led by DHS regional staffs (formerly FEMA regions) that include Defense Coordination Officers, Homeland Response Forces and state plans teams. The regional teams would produce detailed interagency operational plans tailored to their specific region and the hazards/threats their region would likely face.

3. DSC Line of Effort—Response

Responding organizations must work with unity of effort—shared purpose—being the ultimate goal. The nation must get past the arguments for parallel responding organizations and instead embrace a federalism inspired state-led and federal/interagency supported response element as the first line of response. A true integrated state/federal response capability should emerge. Built from a foundation of local response, it must provide for a graduated response that enables (rather than supplants) response at the local, state and regional level. In multi-state catastrophic situations, it would provide an interagency command, control, coordination and communication capability that recognizes state primacy while bringing all appropriate capabilities to bear on the problem. The dual-hat concept—with an interagency staff element—should be employed at all levels to ensure military unity of effort at the state, regional and national levels.

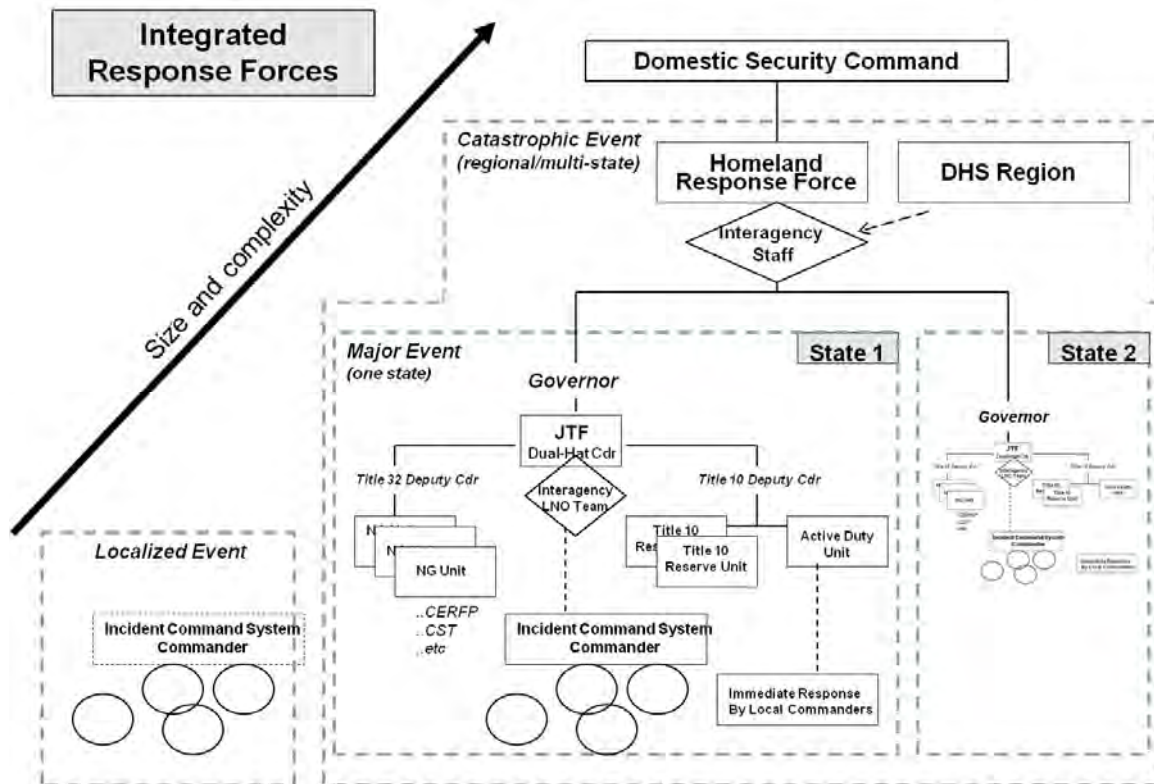


Figure 4. Integrated Response Forces

- Recommendation:** Ensure the Dual Hat concept is applied at all response levels.

At the state level, when there is only one state involved in a situation, it is likely that the governor will appoint a Joint Task Force within his National Guard. Ideally, the task force commander would be a “dual-hat” commander (a Guardsmen to conform to state sovereignty realities) that would allow the task force to accept augmentation of Title 10 Active Duty and Reserve component organizations. This entity would work in concert with incident command system (ICS) commanders at the incident site. In the best circumstances, the state JTF would receive an interagency coordination team from the regional DHS/FEMA level to ensure that the federal interagency channels of communication/coordination remain open. In the one-state scenario, the governor remains in charge of the response operations.

The DSC's role in a one-state event is to be the force and logistics provider, as well as a subject-matter expert provider for certain federally held capabilities. The DSC's integrated situational awareness center would provide up-to-date information in order to anticipate and provide both forces (Title 10 active and reserve, as well as civilian responders) and logistics to the affected area as quickly as possible. There would be no need for the DSC to provide a command and control element at this level of event. The DHS region might be prompted to provide interagency subject matter expertise and staff.

Federalism gets a little more convoluted when more than one state becomes involved in a response event—as was the case in Katrina. Both states would likely field state JTFs and both would likely need federal interagency or Title 10 military augmentation. This situation accounts for 90% of all events that are likely to occur, particularly those with a natural disaster nexus. It is at this point—when two or more governors are involved—that emergencies tend to become federalized. If the situation warrants, the federal government would likely appoint a principal federal officer to represent federal interests.

At some point, the event may be large, complex and perhaps CBRNE related and would merit the deployment of a regional Homeland Response Force. Guard-led regional response forces, which were recommended by both CSIS (Managing the Next Catastrophe) and Rand (Hurricane Katrina, Lessons for Army Planning) reports, have come to fruition as DoD established ten Homeland Response Forces (HRFs) sourced by the National Guard. Scheduled to be in place not later than 2012, these 10 HRFs are hosted in each FEMA region and will provide (within 6–12 hours) a focused response capability for Chemical, Biological, Radiological, Nuclear, and High explosive (CBRNE) Consequence Management Response. They will concentrate on “lifesaving objectives and increase operational flexibility while recognizing the primary role that the governors play in controlling the response to CBRNE incidents that occur in their states.” (HRF White paper). The HRFs will work in concert with existing organizations, such as the Defense CBRNE Response Force (DCRF) and the National Guard's 57 National Guard Weapons of Mass Destruction Civil Support Teams (WMD-CSTs) and 17 CBRNE Enhanced Response Force Package (CERFPs). When not actively deployed, the 570 person strong

HRFs would focus on planning, training and exercising with regional partners. Research suggests the HRF commander should also be “dual-hatted,” so as to allow this regional entity to accept augmentation by Title 10 Active and Reserve forces.

At this point, the DSC would play a more active role. In addition to accomplishing the force provider and logistics coordination roles, the DSC might provide an interagency team of subject matter experts to staff the HRF and provide stronger connectivity to the DSC operations center and its interagency leadership. The DCS would still refrain from “Commanding” any units; the response would still be led by the governor of the state most affected and the HRF would include Title 32, Title 10 and interagency elements that would work in concert with state JTFs and incident commanders. This scenario would be rare—but would likely be put into effect during a Katrina-like emergency.

In the very rare large national events in which more than one region and likely more than one HRF is involved, the DSC would take on a command role. The HRFs would be organized under the DSC’s Deputy Commander for Military Support. This research recommends that the DSC Deputy Commander for Military support be a dual-hatted commander—a Title 10 officer who has also been vetted as a Title 32 Commander to coordinate the efforts of both Title 10 and Title 32 military operations. In this endeavor, he/she would be advised by the Deputy Commander for National Guard matters and the Domestic Advisor to ensure that the affected governors have a voice in the response. This national level would be the first at which an Active Component Officer would exercise command over Title 32 National Guard units—this would be a very rare occurrence and would represent the ability for the DSC to “flex” to a military-lead operation.

D. WHO LEADS THE DSC?

The question of who “Commands” the Domestic Security Command should be the last question asked or answered. Various national strategies assert that DHS leads domestic homeland security operations while DoD must also be prepared to lead if the most dangerous of situations calls for a military-centric solution. Ultimately, the DSC

leader shall be whomever the President decides—and be someone amendable to—but not of—DHS, DoD and NGB. Civilian, military, either way...it would be an individual with authorities specific to the DSC, not inherent of the organization from which he/she springs. Meaning, it could be a 4-star general, but (similar to the Director of National Security) it would not be a “combatant command” with all the authorities/definitions/terms of reference that implies. It would be a person and position specific to the unique organization that they oversee.

E. DEPUTY COMMANDER PORTFOLIOS

1. National Guard Deputy

This deputy commander represents the Adjutants General and their Air and Army National Guard’s and provides a liaison and information-sharing avenue for the each state’s Joint Force Headquarters and each state’s United States Property and Fiscal Officer. The National Guard HRF command/staff provides regional situational awareness of National Guard activities that fall within this deputy’s purview. The National Guard deputy could also perform duties as the Director of the NGB Joint staff, as the majority of the NGB J-staff should be reallocated as an integral (perhaps leading) part of the DSC. National Guard sub-organizations fall under this deputy’s purview and include WMD-CSTs, HRFs, CERF-Ps and JSIVA teams. In the relatively unlikely event of a large-scale multi-component military response, this Title 32 National Guard Deputy could become the “dual-hatted” military commander.

2. Title 10 Deputy

This deputy commander represent major Title 10 active duty and reserve component organizations, such as active duty military installations and Army, Navy, Air Force and Marine reserve commands. The DCO teams co-located with DHS regions provide regional situational awareness of all Title 10 capabilities and planning activities and. Active component sub-organizations fall under this deputy’s purview and include standing regional Joint Task Forces, such as JTF-NCR, JTF-North and JTF-AK.

Traditional theater security cooperation activities with Canada and Mexico will also nest under this commander. If the DCS were to flex to the very unlikely Title 10 Military –led option, the Title 10 Deputy could command the military task force.

3. Department of Homeland Security Deputy

This deputy represents the Department of Homeland Security and all the agencies within DHS—including the U.S. Coast Guard. The individual holding this office must come from a DHS constituent organization. Additionally, this deputy coordinates with law enforcement agencies (such as DOJ, ATF, etc.) and maintains strong ties with the DHS regional offices. Through the regional offices, this deputy maintains ties with State Emergency Managers and state homeland security advisors and Emergency Managers of major metropolitan areas.

4. Domestic Advisors Office

The Domestic Advisor represents the Council of Governors and their Joint Action Plan. Additionally, this office represents the equities resident in state and local organizations, such as the International Association of Emergency Managers, Council of State Governments, U.S. Chamber of Commerce, and other Private Sector, Emergency Management and Academic organizations; National Governors Association (NGA), National Emergency Managers Association (NEMA), Emergency Managers Assistance Compact (EMAC), International Association of Emergency Managers (IAEM), Congressional Delegations, Bureau of Indian Affairs (BIA), Office of Law Enforcement and Security (OLES).

5. Political Advisors Office

The Political Advisor (POLAD) is a Department of State officer that accomplishes the traditional combatant command role of advising the DSC Commander on relationships with Canada, Mexico and any other country that falls within the DSC’s eventual footprint.

6. Staff Structure

The idea of consolidating slices of organizations into one organization is a radical notion. Another radical innovation is to structure the entire command in accordance with the National Incident Command System (NIMS) and to carry NIMS organization from the DCS all the way through the HRF, to state JTFs and further to the incident command at the local site. While this might make coordination with traditionally structured military organization a bit confusing, it may also provide the innovative impetus for the command to resist moving towards Napoleonic traditional military structure.

With the advent of regional Homeland Response Forces and stronger DHS regional organizations, it may be logical to organize the new DSC along a regional orientation as well. Regional Desk Officers resident in the Planning sector of the DSC (and perhaps mirrored in the situational awareness center) could develop expertise in their regions and provide a DSC touchpoint for DHS regions and HRF planners.

F. SUMMARY AND CONCLUSION

The combatant command model is particularly inadequate when applied to the region that includes the continental United States because it does not adequately recognize the unique domestic requirements in security and defense planning and operations. The current Combatant Command model does not facilitate inclusive Department of Defense planning and response, e.g., it does not provide the venue for coordinated planning between Federal (Title 10), National Guard and other Reserve Component equities in addressing current Homeland Defense and Security challenges. In addition, the traditional Combatant Command structure promotes DoD-centric planning in a decidedly non-DoD environment as it encourages separate DoD planning efforts rather than being primarily in support of DHS planning efforts. It does not provide authority to deal with the Private Sector—which is responsible for most of the nation's critical infrastructure and response capacity. Perhaps most importantly, the combatant command structure does not recognize the societal reality of state sovereignty and the primacy of the nation's governors within the domestic arena.

USNORTHCOM faces a challenge unique among combatant commands; it must plan and conduct missions within the constraining legal framework placed upon the military domestically and must do so within the historical tension between state and federal entities. Fifty states and territories fall within USNORTHCOM's AOR and there are numerous state, local and private sector organizations that have primary responsibility for the people and places USNORTHCOM may be called upon to protect. Yet, a combatant command has none of the structure or authority necessary to facilitate collaboration with state and local entities. USNORTHCOM was not built to facilitate the realities of execution in the homeland.

USNORTHCOM must evolve into a new organization that is structured to facilitate Federalism, maximize Domestic Security Cooperation essential functions, and include the decentralized Interagency, International, Intergovernmental (including the National Guard) and Private Sector organizations that can harness the core competencies and authorities of each sector for truly collaborative whole nation efforts.

This evolved organization must facilitate robust coalition planning and response eventually leading to a wholly new Domestic Security Command rather than a traditional Combatant Command. This new construct will facilitate interagency and intergovernmental situational awareness, planning and response in depth from the local level through the federal level. The new construct should make no distinction between HLS and HLD in planning and response, facilitate situation-dependent flexible leadership, maximize the authorities inherent in each partner, close the gap between federal and state planning, facilitate truly integrated response organizations, utilize flexible funding from each partner and retain the ability to transition to DoD-led catastrophic leadership if necessary.

Breaking paradigms, risking leadership clout, sharing mission space and credit, mingling funding streams and navigating disparate authorities would surely prove difficult and would promote strong reaction from the organizations that would be "giving up" mission space and personnel. However, this hard work would result in an organization that is truly inclusive, with distributive and flexible leadership that values the core competencies of each donor organization.

Cross-agency situational awareness in depth (i.e., local, state, regional, national) is the only picture that will be accurate and it is the picture that all of our decision makers need to see to make timely and effective decisions. Integrated plans are the only plans that will accurately depict a scenario and bring to bear all available and appropriate capabilities to address potential emergencies. Unified interagency and intergovernmental response that allows elected officials to lead their constituents is the only response that will be effective.

USNORTHCOM, NGB and DHS's appropriate merging and structural evolution, while requiring a monumental and fundamental shift from stove-piped operations to truly seamless organization, will provide the best possible outcome for the nation. Structural Evolution, while the most radical solution, is the only solution that fully lives up to the designated evaluation criteria (facilitating federalism, maximizing decentralized interagency and intergovernmental expertise) while also reducing the detrimental redundancy and inefficiencies currently rampant within the system.

Building an entirely new organization by breaking apart existing stove-piped organizations, taking advantages of partner core competencies and melding them into a new structure will provide the most inclusive culture in which to foster true national defense and security. The resultant efficiencies (both fiscally and operationally) will provide the pay-off for a difficult and paradigm breaking transformation. In the end, the Nation will have a truly collaborative planning and response capability that can better prevent incidents, save lives, protect critical infrastructure and promote a resilient Nation

G. CHALLENGES AND AREAS FOR FURTHER RESEARCH

The challenges involved in building the DSC are so daunting as to nearly preclude even considering this path. Shattering the Combatant Command paradigm is the most critical and likely the most difficult—breaking this also breaks the significant DoD funding stream that accompanies a combatant command. The DSC must capture that resource stream and enable it to fund military, civilian, private sector and nongovernmental/nonprofit organizations.

Since this organization would not be wholly civilian, nor wholly military, there would likely be need to establish its own legal authorities, which will enable it to coordinate (and direct) both military and civilian capabilities.

The issue of NORAD merits some discussion. Currently, the Commander of USNORTHCOM is also designated Commander, NORAD. Special consideration should be given to whether NORAD's mission should be teased away from USNORTHCOM's mission. The proposed DSC situational awareness center should double as NORAD's center, as any NORAD-related threat to the U.S. could ultimately manifest in a DSC on the ground mission. Research should look at the potential for USNORTHCOM's Air Force Component (AFNORTH) to lead the relationship with NORAD.

Current USNORTHCOM structure includes an Army Component (ARNORTH); further research is required to ascertain whether there remains a need for ARNORTH to exist in its present form or should evolve concurrently to become an interagency, intergovernmental response organization specifically designed to work in concert with the HRF structure. Additionally, all current USNORTHCOM Joint Task Forces (National Capital Region, Alaska, North, etc.) should be re-evaluated and evolved as necessary.

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